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## GENERAL NOTICE

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NOTICE 2244 OF 2003



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

### AMENDMENT OF REGULATIONS

#### ICASA SOUTH AFRICAN TELEVISION CONTENT, 2002

The Independent Communications Authority of South Africa ("ICASA") hereby, under section 78(1)(d) of the Independent Broadcasting Authority Act ("the IBA Act"), 1993, amends regulations 2.30, 3.1, 4.1, 4.2 and 8.6 of ICASA South African Television Content Regulations, 2002.

#### GENERAL EXPLANATORY NOTE

[ ] Words in bold type in square brackets indicate deletions of existing words.

           Underlined words indicate insertions.

#### 2. Definitions

Regulation 2.30 is hereby amended by the deletion of the word **[not]** and the insertion of the words or television programming that. Regulation 2.30 now reads as follows:

"Repeat" means television programming that is not a first broadcast by a South African television licensee or television programming that has been broadcast by another South African television licensee.

### 3. **Public Television Licensees**

Regulation 3.1 is hereby amended by the deletion of the words **[at least]** and the insertion of the words an annual average of. Regulation 3.1 now reads as follows:

A public television licensee must ensure that after eighteen months of the gazetting of these regulations in the case of an existing licence holder or within eighteen months of the issue of a licence or such longer period as the Authority may determine, an annual average of 55% of its programming during the South African television performance period and during prime time consists of South African television content.

### 4. **Public Commercial and Private Commercial Television Licensees**

Regulations 4.1 and 4.2 are hereby amended by the deletion of the words **[a weekly]** and the insertion of the words an annual.

Regulations 4.1 now reads as follows:

A commercial television licensee, including a public commercial television licensee, must ensure that after eighteen months of the gazetting of these regulations or such longer period as the Authority may determine, an annual average of 35% of its programming in the South African television performance period consists of South African television content.

Regulation 4.2 now reads as follows:

A commercial television licensee must ensure that at the commencement of its broadcasting service it achieves an annual average of 35% of South African television content during the South African television performance period.

Regulation 4.3 is hereby amended by the deletion of **[3.1]** and the insertion of 4.1.

Regulation 4.3(v) is hereby amended by the deletion of **[30%]** and the insertion of 25%.

Regulation 4.3(v) now reads as follows:

- (v) 25% of its children's programming consists of South African children's programming.

## **5. Subscription Television Service Providers**

Regulations 5.1 and 5.2 are hereby amended by the deletion of [a weekly] and the insertion of the words an annual.

Regulation 5.1 now reads as follows:

A commercial subscription television service provider must ensure that an annual average of 8% of its programming, or some greater proportion as may be determined by the Authority, during the South African television performance period consists of South African television content within such categories as the Authority may determine.

Regulation 5.2 now reads as follows:

Where a portion of the broadcasting service of a commercial television subscription provider is unencoded, then for the duration of that unencoded portion, it must ensure that an annual average of 35% of its programming consists of South African television content within such categories as may be determined by the Authority.

## **8.6 Repeats**

Regulation 8.6 is hereby changed to 8A.

Regulation 8.6(a) is hereby changed to 8A(a) and amended by the deletion of [targeted at different audiences] and the deletion of [0.5] and the insertion of 50%.

Regulation 8.A(a) now reads as follows:

- (a) for first repeat of a South African programme = 50%

Regulation 8.6(b) is hereby changed to 8A(b) and amended by the insertion of South African television, and the deletion of [0.5] and the insertion of 50%.

Regulation 8A(b) now reads as follows:

- (b) for a South African programme originally screened on another South African television channel = 50%

Regulation 8.6(c) is hereby changed to 8A(c) and amended by the deletion of [0.5] by the insertion of 50%.

Regulation 8.A(c) now read as follows:

- (c) for a rebroadcast of the week's episodes = 50%


Regulation 8.A(d) is hereby inserted and reads as follows:

- (d) any further repeats of the programme shall not count towards compliance with the South African content quota.

The statement **[Ten points are worth 1% towards the South African content quota on a weekly basis]** under 8.6 is hereby deleted in its entirety. ICASA would also like to state that Repeats are not Format Factors.

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